IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 11524 of 1999

Between:

C.Fakeer Mohammed Naseeruddin S/o. Abdur Rahim
r/o. Laxmipura Matwada, Warangal

..... PETITIONER

AND

1 The Dist. Collector Warangal Dist. Warangal.
2 The Mandal Revenue Officer Waranagal, Warangal.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in constructing Muslim Shadikhana in the lands bearing Survey No.7/2 Municipal No.11-1469 situated at Laxmipura,Matwadaa, Warangal dist., belonging to the petitioner without initiating the proceedings under the land Acquisition Act and without paying the compensation, as illegal, arbitrary and pass

Counsel for the Petitioner:MR.A.PRABHAKAR RAO

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following ORDER:

This Writ Petition is filed, seeking Writ of Mandamus, to declare the action of the respondents in constructing marriage hall in Sy.No. 7/1,(premises bearing No.11-1469), situated in Laxmipura, Matwada, Warangal district, as illegal and arbitrary.

It is the case of the petitioner that his father purchased an extent of 30,250 square meters of land in Sy.No. 7 of Laxmipura, Matwada, Warangal District. It is his case that he was subjected to the proceedings under Urban Land (Ceiling and Regulation) Act, 1976, and, as per the order dated 1-6-1988, he is allowed to retain 2000 square meters of land. The grievance of the petitioner is that the respondents have under taken construction of marriage hall in the land allowed to be retained by him.

It is the case of the respondents that following the due procedure under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976, they have already taken possession of surplus land, admeasuring 7727 square meters and 'shadi khana' was constructed in the excess land covered by Sy.No. 7/2.

In view of the averments in the counter affidavit, it is clear that the respondents have constructed marriage hall in the excess land, possession of which was taken on 9-9-1986. In that view of the matter, I dispose of the Writ Petition, directing the respondents not to interfere with the possession of the petitioner, in the retainable area covered by Sy.No. 7/1. However, it is made clear that it is open for the respondents to proceed with the construction of 'Shadi khana' (Marriage hall) in the land in Sy.No.7/2, possession of which was taken as surplus land of the petitioner.

Subject to the above direction, the Writ Petition is disposed of. No costs.

Assistant Registrar

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To Section Officer

1 The Dist. Collector Warangal Dist. Warangal.
2 The Mandal Revenue Officer Waranagal, Warangal

3. Two CCS to Govt. Pleader for Revenue, High Court of AP. Hyderabad (OUT)

4. Two CD copies.